

ORDER BELOW EXH.1

1] Perused application and say. Heard Advocate for applicant and APP for the State.

2] This is first bail application filed under section 439 of Cr.P.C. by applicant in respect of his arrest in C.R. no. 122/18 registered at Ranjangaon MIDC Police Station for the offence punishable under section 376(j),323,324,452,504,506 of the Indian Penal Code and under section 4,6,8,12 of the Protection of Children from Sexual Offences Act, 2012. It is alleged that victim lodged report stating that she was acquainted with applicant and they were talking with each other. In May-2018 when victim was alone in the house, applicant came and inquired about her parents and sister. On 21.06.2018 when parents of victim went to their work, her sister went to school, applicant came to her house and threatened her, gave burns at her right palm, right wrist, left calf and forcibly committed sexual intercourse with her. He then took photograph in the mobile and threatened to kill her parents if incident was disclosed to anyone. Victim was frightened and was in tension, later on she narrated incident to her parents.

3] According to applicant he is falsely implicated in this matter. There is delay in lodging First Information Report for which no proper explanation is given . Applicant never forced victim. Therefore, theory of the victim is not believable. He never burnt victim . There is love affair between victim and applicant. Parents of victim learnt about the same and burnt victim. They pressurized victim to lodge report against applicant . Applicant is 24 years old and pursuing his career. He is permanently residing at Shrigonda, Dist-Ahmednagar. He has no criminal antecedents . He is ready to abide the conditions. Hence, he prayed to release him on bail.

4] APP and I.O. objected this application on the ground that investigation is in progress. As per supplementary statement of victim applicant took half nude photographs of victim and sent it on the facebook of

boy whose proposal was given to victim for marriage. Act of sexual intercourse was done by burnt injuries to victim . Applicant will pressurize victim and witnesses. There is possibility of tampering prosecution evidence so far as fake account is concerned. So, they prayed to reject the application.

5] Allegations against the applicant are serious. Applicant is sufficiently interrogated. From statement of victim role attributed to applicant can be gathered. On 21.06.2018 when nobody was in the house, applicant burnt victim at various part of body and then forcibly committed sexual intercourse with her as per prosecution case. He then took her half nude photographs and sent it to Suresh Kedari and it reflects from supplementary statement of victim . Medical report of victim shows similar history and there is mention of burn injuries to victim on various part of body. She gave history of burn injuries by applicant to her with the help of match stick. There is history of unnatural intercourse.

6] Moreover, investigation in this matter is at initial stage. Advocate of applicant submitted that there are whatsapp messages exchanged between victim and applicant from which one can gather about love affair between them. However, from statement of victim and medical report prima-facie involvement of applicant is in the offence is revealed. In such circumstances, there is every possibility of tampering prosecution evidence and giving threat and pressure to victim and witnesses. Hence, at this initial stage and in view of gravity of offence it is not proper to release the applicant on bail. Hence, application deserves to be rejected with following order -

ORDER

The application is rejected.

Pune.
Date – 17.10.2018.

(R.V.Adone)
Addl.Sessions Judge, Pune.

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno	- S.V.Thakar,
Court Name	- Smt. R.V.Adone, Addl.Sessions Judge,Pune.
Date of Order	- 17.10.2018
Order signed by P.O.	- 17.10.2018
Order uploaded on	- 20.10.2018